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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,772	11/28/2000	William F. Behm	SG-20554	6839

7590 05/21/2003
Michael B. McMurry
1210 Astor Street
Chicago, IL 60610

EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,772

Applicant(s)

BEHM ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-302 is/are pending in the application.
- 4a) Of the above claim(s) 4-302 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. According to MPEP § 608.01(g), the specification must contain a description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. Applicant is required to delete all material from the specification and the drawing that does not directly pertain to the claimed invention.
3. Due to the extreme length of the present application and the difficulty in determining which portions of the specification have been added in each of the successive continuations-in-part, Examiner will treat the present application as if it has a priority date as of the date of filing of the instant application.

Election/Restrictions

4. Claims 4-302 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Information Disclosure Statement

5. Examiner has not considered co-pending applications 10/114,372, 10/218,331, 09/455,564, 09/410,839, or 09/557,337. If Applicant wished to have these applications considered, then Applicant should submit them on a proper IDS.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Finocchio (US Patent Number 5,317,135).

Claim 1: Finocchio teaches a system for electronically validating a lottery ticket having player removable play spots covering play indicia. (Fig 3) Ticket data (verification code, validation code, etc.) are located on the lottery ticket. (Col 6, 56 – Col 7, 33) There is an electronic validation machine (Fig 1) including a detector (130-136) and a microprocessor (Col 4, 59-64) operatively connected to the detector. The microprocessor computes which of the game spots have been removed from the lottery ticket and the ticket redemption value from the play spots that have been removed and from the ticket data. (Col 6, 56 – Col 7, 33) Finocchio teaches that one of the play spots (302-306) contains the ticket verification code. (Col 7, 12-13) In order to determine if the ticket is a winner, the terminal scans the verification code. (Col 7, 13-18) Thus the

microprocessor must determine which of the spots is removed because it must determine if the verification code is revealed.

Claim 2: Finocchio teaches displaying a message that tells the amount to be paid. (Col 7, 27-30) This is the redemption value.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finocchio as applied to claim 1 above.

Claim 3: Finocchio teaches the invention substantially as claimed. Finocchio teaches stigmatizing the lottery ticket by removing latex covering the verification code (308).

Finocchio teaches that this voids the card. (Fig 3A, Col 1, 40-49) This is done as part of the validation process (Col 7, 24-27); but is performed manually by the clerk. It has been held to be obvious to provide automatic means to replace manual activity. (*In re Vennel*, 120 USPQ 192.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have had the electronic validation machine include means to stigmatize the lottery ticket in order to automate a manual process.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3714

Reference Name	US Patent Number	Applicability
Sultan	6,273,817	Scratch off ticket, validation machine determines which spots have been scratched and determines redemption value
Kamille	5,996,997	Scratch off ticket, validation machine determines which spots have been scratched and determines redemption value
Sanchez, III et al.	5,935,000	Scratch off ticket, validation machine determines which spots have been scratched and determines redemption value
Schroeder et al.	5,791,990	Scratch off ticket, validation machine determines which spots have been scratched and determines redemption value
Royer	6,308,991	Scratch off ticket validation machine
Roberts et al.	4,677,553	Scratch off ticket validation machine
Muller et al.	4,832,341	Lottery Ticket validation machine

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

May 12, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3701